Public Hearing - USFWS - Monomoy National Wildlife Refuge Tuesday, June 17th, 2014 6:00 p.m.

Dave Brownlie - Refuge Manager Scott Kahan - Regional Chief Libby Herland - Project Leader Marcianna Caplis - Hearing Officer

Speakers:

- 1. Shareen Davis
- 2. Meri Ratzel
- 3. Florence Seldin
- 4. Timothy Roper
- 5. Sean Summers
- 6. Michael Corrigan
- 7. Russell Kingman
- 8. James Bassett
- 9. Suzanne Phillips
- 10. Shannon Eldredge
- 11. Everett Eldredge
- 12. John Garey
- 13. Jeff Dykens
- 14. Richard Hosmer
- 15. Cliff Berner
- 16. Ted Keon
- 17. Seth Taylor
- 18. Barry Greco
- 19. [did not speak] Barry Fulcher
- 20. Bill Barabe
- 21. Michael Westgate
- 22. Robert Duncanson
- 23. Norm Pacun
- 24. Wendy Hosmer
- 25. Bill Giokas
- 26. Dave Likos
- 27. Barry Homer
- 28. [did not speak] Chris Davis
- 29. Renee Gagne
- 30. Jeff Lang
- 31. Ginny Nickerson
- 32. Ed Dewitt
- 33. John Raye
- 34. Ron Bergstrom
- 35. Ted Ligenza
- 36. Mr. Jim Woods
- 37. [did not speak] Suzanne Nickerson
- 38. John Hallgren
- 39. Tim Dinge

40. [did not speak] D. Raymond

41. J. Thaddeus Eldredge

42. Stephen Buckley

[Unregistered]. Jeffrey Hahner

MARCIANNA CAPLIS: Good evening. May I ask you to take your seats, please. Thank you.

LIBBY HERLAND: Good evening, everyone. On behalf of the – we're starting the Public Hearing right now. So thank you all for being here. On behalf of the Fish and Wildlife Service, I welcome you to the public hearing on the Draft Conservation Plan and Environmental Impact Statement for Monomoy National Wildlife Refuge. My name is Libby Herland; I'm the Manager of the Eastern Massachusetts National Wildlife Refuge Complex. Monomoy is one of eight refuges in the complex that we administer out in Sudbury. Can everyone hear me okay?

FROM THE FLOOR: Yep.

LIBBY HERLAND: Okay, Terrific.

I will be brief with my remarks as this evening is about hearing from you. I appreciate your attendance tonight, and your interest in the management of the Monomoy National Wildlife Refuge. As I think we can all agree, this refuge is a very special place. It is both a local and a national treasure. My staff and I feel privileged to work on behalf of the refuge and its resources. Monomoy has been noted for its value for migratory birds since the turn of the 20th Century. Permanent protection came in 1944; and for the last 70 years, the U.S. Fish and Wildlife Service has worked hard to ensure that the birds who nest and raise their young on the refuge or who stop here during spring and fall to rest and feed and build up their fat reserves or who winter in the offshore waters that they're able to do so with minimal disturbance. This is our mandated agency mission, to protect wildlife and what we are entrusted to do for the American public. We take that mission very seriously.

It's also important to the U.S. Fish and Wildlife Service that we provide opportunities for the public to visit our refuges and engage in activities that help them to learn about and enjoy wildlife.

We will continue to encourage visitors on Monomoy Refuge in ways that do not have major impacts on wildlife. We know the refuge is important to each of you, and that there are -- and that there are many different ways in which it is important to you. We value our relationship with the Town of Chatham. We also understand and very much appreciate the long-standing and important ties the people of Chatham have to fishing and shell fishing in the tidal flats and the waters surrounding Monomoy. So many of you are probably asking yourselves "why is the U.S. Fish and Wildlife Service proposing to change anything at Monomoy? Haven't we been good stewards of our natural resources for hundreds of years?" I want you to know that our planning efforts are not a reflection on the management of natural resources by the fishermen, the shell fishermen, the Town, or the Commonwealth. Our planning efforts are the result of congressional direction and public laws; laws that direct the U.S. Fish and Wildlife Service to undertake comprehensive planning for each refuge. We also have regulations that clearly direct us to only allow economic uses on refuge lands under very special circumstances. The bar is not whether those uses harm refuge purposes; rather, we can only allow economic uses where it can clearly be shown that those uses directly benefit the purposes of the refuge and the National Wildlife Refuge system.

As I stated at the Special Town Meeting on May 12th, that many of you attended, we strive to balance our management of the refuge in a manner that protects and conserves wildlife while providing

opportunities for public use. We know we have both support and opposition to various aspects of this plan; I'm sure we are going to hear some of that tonight. And I appreciate, deeply, the courteous conversations that we have had at our recent open houses. We are here, again, tonight to learn more about what you think. Your comments will help guide decisions on the final plan.

So tonight is just one step in the public comment period on the draft plan. We recently extended the comment period for a second time. The new deadline, if you haven't heard already, is Friday, October 10th, 2014. This represents a six-month comment period. This is the longest comment period our region has ever had for a Comprehensive Conservation Plan. We have had two open houses, and we are going to have another one to provide one-on-one discussions with attendees. The third open house has been scheduled for July 29th from 3 to 7 at the Chatham Community Center.

Tonight we are accepting your comments verbally, but you may also submit comments in writing. Comment forms and boxes are available outside in the lobby for you to use -- for your use. You can also mail, e-mail, or fax comments to me, as well, by the October 10th deadline. So tonight is not your only opportunity to provide comments. The registration desk has my contact information if you don't already have it; I have some business cards out there. I'm almost done. Comments received tonight; oral or written, will become part of the Official Administrative Record on this project. Once the comment period is over, we will compile all of the comments received throughout the 180-day comment period and we'll summarize them by issue. We will prepare a response to public comments in an appendix to the final plan, which will go out for a 30-day review period. We may determine that some comments warrant a change to proposed management direction; if so, those will be incorporated into the Final Comprehensive Plan and Environmental Impact Statement.

After the final review period, the service will prepare a recommended plan for the Regional Director's review and possible approval.

So now I wish to introduce the people on the stage; and I want to acknowledge a few people in the audience.

On stage with me is Scott Kahan. Scott is the Refuge Chief for the Northeast region of the United States Fish and Wildlife Service. All 73 National Wildlife Refuges in the northeast fall under Scott's management; and he works out of the regional office in Hadley, Mass.

Dave Brownlie is the Manager of the Monomoy Refuge here in Chatham serving since 2010. Many of you know Dave as you have worked with him directly in the community, or maybe you visited with him on the refuge.

In the audience are Sharon Marino; and I don't know where anybody is? Deputy Chief for the Service's Northeast region. Sharon is a past manager of the Monomoy Refuge; and so she is also known to some of you, as well.

Also from the service, in uniform, are Tom Eagle, Deputy Project Leader for the complex; he is at the back. And Carl Melberg who is our Natural Resource Planner. They were at the reception desk when you came in. Both work with me in Sudbury.

We also have assistance tonight from regional -- our Regional Office, our External Affairs Staff, and we have staff and volunteers here from Monomoy Refuge, as well.

In the audience we also have Christina Pacheco of Senator Markey's office, and Stephanie Houghton of Senator Warren's office. We wanted you to know that we had some congressional representatives here. Thank you Christina and Stephanie for being here tonight.

Finally, I introduce to you Marcianna Caplis, Marci is serving as our Hearing Officer. She will run the hearing tonight and will explain how you are going to, will give comments.

So I thank you for your time, your attendance, and your participation tonight.

Marci?

MARCIANNA CAPLIS: Thank you, Libby.

So, yes, I'm here tonight, I'm Marci, I'm the contracted Hearing Officer. And this session is to receive comments on the Draft Comprehensive Conservation Plan with Monomoy. Your comments are being recorded; both as video and as audio, as well as in the paraphrased CART written notes for the hearing-impaired that you see projected over there. Because this hearing is intended to hear from members of the public, there will be no agency responses to any issues raised. This is not a question and answer session.

As you heard, the public comment period will extend through close of business on Friday, October 10, 2014. And written comments submitted carry the same weight as those spoken at this meeting.

Anyone wishing to speak tonight should have an index card with a number on it; and that number will indicate the order of speaking. You can get a card by stopping at the desk at the entrance table.

If you have a lengthy, written prepared statement, you can submit it in its entirety to Stefanie, ah, our recorder over there, but you can summarize it orally in the timeframe allowed.

We have fewer than 100 people to speak, so therefore our time is 3 minutes per person. I ask you to step up to one of the two microphones to speak. Speak directly into the microphone. Please begin your remarks with your name, spelling your last name, and the town of residence. If mobility is a problem, just let us know and Brandon will bring a wireless microphone to you.

When you have one minute remaining of your three minutes, I will hold up "one minute." And when you have thirty seconds remaining, I will hold up this. (30.) And when your time is up, I will hold up this (0). We want to hear from everyone, so please be mindful of staying within your time.

This session is scheduled to end at nine o'clock. We may extend slightly to accommodate all of the speakers, but we need to vacate the school by 9:45.

I want to ask, finally, that you turn off your cell phones or put them on stun, or mute, or whatever.

[-LAUGHTER]

And, ah, and let us start with our first speaker. Speaker number one?

SHAREEN DAVIS: Good evening. My name is Shareen Davis, D-a-v-i-s; Chatham, Massachusetts is my residency. And I'm here to address comments in the draft management plan about fish weirs. I'm a resident of the Town of Chatham. I'm rooted to the town 13 generations going back to the founding family. I descend from multi-generations of weir fishermen who have plied their traditional fish harvesting methods in the waters of Chatham off Hardings Beach and Monomoy Island; as well as Harwich and Dennis and Nantucket Sound. My husband and daughter are weir fishermen. Generations of my family once lived and harvested shell fish on Monomoy Island while working the weirs. I've harvested shellfish in the waters and intertidal area on Monomoy to feed my family. My two daughters have done the same. (Reading directly from prepared statement.) Fish weirs are approved and granted by the town in which nearshore waters they reside in; and by the Massachusetts Division of Marine

Fisheries, and Massachusetts Department of Environmental Protection. Fish weirs are considered to be aids to navigation by the U.S. Coast Guard, a Homeland Security department. Migratory birds like ospreys exploit the weir structure poles for rest and to dive for food -- mussels attach and grow on the anchor lines and are a food source for the duck population. Wellfleet Bay Sanctuary, Mass Audubon, Provincetown Center for Coastal Studies, University of New Hampshire, SMASS-UMass Dartmouth, New England Aquarium, and Division of Marine Fisheries to name some, collaborate with the traditional harvest methods off Monomoy for membership, education collaborative science research on species of squid, seals, and other fish; and to test water quality and salination. Tagging to track sharks and sea turtles take place regularly, and are monitored by the appropriate permitted authorities for their protection acts. Our co-existence with you has gone on for decades, fish weirs play an important part in safety at sea, eco-based system management and science in waters off Chatham, why change things now? Why ever? Thank you for your time.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. If we may ask you to hold your applause --

[APPLAUSE]

-- only because -- only because we have a number of people to get through, and we want to make sure that everyone has the opportunity.

Speaker number two, please?

MERI RATZEL: My name is Meri Ratzel and I'm not from the Town of Chatham, I'm from the Town of Harwich. But the reason that I came to this was because I also worked as a social sciences researcher in the fisheries for five years. I've worked in whales, herring, plankton, scallops; and I've spent time at the Isle of Shoals working as a bird researcher. What I wanted to say, that I think is so important here, is that this particular argument is not specific just to Chatham. The whole issue of how climate change is going to be affecting our coasts in terms of subsidence or sedimentation is going to become around the country. To set a precedent here to say that the Federal Government can come over and take the land that has been publicly managed for a very long time is something that everyone in this room should consider as are other people looking at you.

The last thing I want to say, as a resident of Cape Cod, is although I have worked on government jobs, I eat at the food bank. I go to the resource in the winter for food. To deny that of people who are living here on fixed economies is somehow or another placing birds above humans and humans are part of an ecosystem. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Number three.

SELECTMAN SELDIN: Florence Seldin S-E-L-D-I-N; I am Chairwoman of the Chatham Board of Selectman. I have a lengthy statement, on behalf of the Town and Board, I could not deliver in three minutes. And since you are unwilling to extend the time, even for town officials, I'm submitting it for the record. And we of course we will be following it up with many documents regarding all aspects of the Draft Plan. Thank you for extending the comment period to October 10th.

(Reading directly from prepared statement.)

I want to highlight a few of the recommendations with which we take exception.

Two concern the expansion of Fish and Wildlife Service jurisdiction into additional lands; South Beach, and the open area -- water areas on the western boundary.

First, relates to the re-interpretation of your management jurisdiction to include all areas encompassed by the original limits of the 1944 Declaration of Taking. This revised interpretation would exert federal Fish and Wildlife Service management over approximately 4,000 acres of open water and submerged lands. We do not know precisely on what evidence this was done, because to date you have not shared fully the documents pertaining to your counsel's interpretation and basis for their decision. In the interest of transparency and open communication, I hope you will provide the town and our attorney's complete documentation.

Secondly, the Draft Plan includes an expanded eastern boundary which annexes approximately 717 acres of South Beach, which is currently owned and managed by the town. From a legal and factual perspective, again, these recommendations are extremely troubling. Directly stemming from the boundary and jurisdictional recommendations are newly imposed limitations on traditional fishing and shell fishing activities within the sub tidal waters west of Monomoy. Review of the literature cited as justification for these recommendations indicates that much of it is not applicable to fisheries and methodologies currently employed. We reiterate our position that Fish and Wildlife Service does not have a legal authority to manage our state and locally regulated fisheries in these waters. We have very effective state and local regulations to do so, and feel strongly that we are the best and most appropriate stewards to continue this management.

We know that after the comment period ends, the hard work begins. Fish and Wildlife Service has said that the town and other stakeholders will be included in the process to arrive at a final plan. I hope so because we want to partner with you. We do not want to just be adversarial, nor do we want to be shut out.

And finally, I believe that there is a fundamental misunderstanding which Fish and Wildlife Service has regarding the character and core values of our town. Despite nearly 70 years of coexistence with the Monomoy Refuge as a valued neighbor, the Draft Plan describes Chatham as a "resort, retirement and artistic community." And just one more sentence? Okay. While these aspects of our town -- while these are aspects of our town, Chatham is a community rooted in marine and fisheries endeavors. And these traditions continue as an integral part of our community character. We have been a good steward for decades, if not centuries, of our waters because we are ever mindful that this is part of our past heritage and our future legacy.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you.

Number four?

SELECTMAN ROPER: Hi. Good evening. My name is Timothy Roper; I've been a homeowner in Chatham since 1989. I'm an elected member of the Chatham Board of Selectmen since 2010. For nearly 13 years this board has been available to collaborate with your representatives in discussions of the Management Plan for Monomoy National Wildlife Refuge. I hasten to add, local representatives Libby Herland and Dave Brownlie have been generally helpful and receptive to our concerns and input. However, our last joint meeting was in 2010 when they told us then that a new Draft Plan would be presented in April of 2011. This did not happen. While work on this draft, CCP, apparently went on in Washington and elsewhere; our board has been kept in the dark for three full years until the Draft Plan's release a few weeks ago. It is impossible to list, in three minutes, all the objections we have heard to

date from our citizens, but as an elected representative of our town government you should be aware of four top concerns voiced by citizens at our Board of Selectmen meetings.

The Town strongly disputes the Fish and Wildlife position that the original 1944 declaration of taking included the transfer of ownership of the Federal Government of the submerged lands within the taking limits. The town disagrees with the manner in which the FWS has applied principles of equitable apportionment of accreted lands. In total, excuse me, in total, the draft CCP attempts to unilaterally expand the refuge from the original 3,000 specified acres, to more than 8,321 acres; including the submerged lands, and place severe unnecessary federal restrictions or prohibitions on boating, fishing, and recreational activities that do not exist today. It remains unclear to me how this expansion of the refuge best serves the mission of the refuge or how it is authorized by law.

We also oppose new and onerous federal limitations on traditional fishing and shell fishing activities within the sub tidal waters, west of Monomoy. These recommendations limiting these traditional fisheries indicate that little knowledge of the local fisheries or understanding the methodologies and those employed by local fishermen, excuse me, within the waters surrounding Monomoy. Nor does the draft CCP seem to recognize the solid history of the Town of Chatham and Commonwealth of Massachusetts as good environmental stewards. The town and state, excuse me, I've got a cramp in my leg --

(Scattered laughter.)

The town and state already have the long-standing regulations in place that safeguard uplands and protect the, the benthic environment, safeguards that do not need to be superseded by the Federal Government. The town is concerned with the draft CCP plan's prohibitions on forms of time-honored fishing activities that have been deployed for scores of years, including scallop dragging, mussel harvesting, shell fishing, and weir fishing. The CCP errs greatly when it describes Chatham merely as a "resort, retirement and artistic community." In truth, Chatham has a proud maritime history, as one of the last major fishing ports on Cape Cod, considerable number of-- our residents have a personal stake in the regulated harvest of scallops, mussel, shellfish, finfish, and for some weir fishing --

MARCIANNA CAPLIS: Sir, can you wind it up?

SELECTMAN ROPER: Let me sum up. I know I've gone on too long and my leg is about to kill me.

My closing sentence is and old and simple saying that applies perfectly, and I'm sure you know what it is, "if it ain't broke, don't fix it."

I urge you to rethink the takeover of Chatham's South Beach and adjacent waters, and urge you to leave the existing management plan in place.

Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Mr. Roper, do we have your full testimony? Would you like to submit the whole thing? Please do. If you would like.

SELECTMAN SUMMERS: Good evening. My name is Sean Summers; I'm a Selectman here in town. My perspective is, ah, a little unusual. I've actually been in negotiations for 18 months with the U.S. Fish and Wildlife, ah, on an access issue on North Beach in Chatham. And it has been a long and arduous process, and I think my problem generally says, while, ah, opening remarks asserted that it is not about how Chatham has well-managed its beaches, it is not about all of these things we have done well that

seem make common sense, but it is a matter of law and we have to do these things. I disagree with that. The law, as I understand it, and I've learned about it, has a great deal of subjectivity in it and allows you folks to use that subjectivity to make common sense. Last year on North Beach Island the whole beach was closed for seven miles because of one bird. That does not make common sense, nor does it help anybody. Uhm, I know that the public hearings we have to hurry up and get these issues in if we want to talk about them later. Science. Your science is not peer reviewed it's not science, it is observation. We think you should give us science. The historical record, you always have, over 50 years, you've promised that we would enjoy our historical uses, fishing, fowling, recreation, promises that have been unkept. Uhm, in your document, we are going to pay, you are presuming we will pay, pay you a permit fee to go to our beach, that soon will be your beach, and we are not going to go for that.

(Scattered laughter.)

Several inaccuracies in your report. You have a picture of a giant vessel dredge that is going to harm the bottom of the sea bed. We don't use those big things, we use little ones, and we have staff that are going to show you pictures. We hope that you will see the difference and change your -- and change your viewpoint.

You claim equitable apportionment. How is it equitable if you never even consulted us? You decided what was equitable based upon what you desired. That is unfair and we will challenge that.

Uhm, bottom line is I met with the selectmen in Orleans last year because of that ridiculous closure. We started a regional committee and we now have six towns on board. Everyone on Cape Cod agrees that you all are pushing the limits, are being far too restrictive, not fair, and you know what you are going to hurt eventually? You're going to hurt your people who agree with your charge. We agree with your charge. Birds should be protected, but you need to have balance, you have to value the people who live in the town, the economic concerns, the recreational concerns, and the historical concerns, and cultural concerns, and you show zero deference to that, and eventually the regions of this country are going to get together, and you know what's going to happen with that law? It is going to change! Thank you.

[APPLAUSE]

MICHAEL CORRIGAN: Good evening. My name is Michael Corrigan. I'm a resident of Morris Island in Chatham, and this evening I'm speaking on behalf of Quitnesset Associates, the homeowners association, composed of about 45 property owners. We are all the nearest neighbors to fish and wildlife, and as such we have deep and abiding interest in the issues that are raised by the plan. We have submitted some comments, and I will just try to summarize within these three minutes some of them, but not all of our points.

First, on the boundary issue. Whether you label it equitable distribution or any other name, the legal theory that Fish and Wildlife has advanced to justify becoming an owner of a very sizable portion of South Beach is deeply, deeply flawed. The fact of the matter is that the land belongs to the Town of Chatham because the accretion took place on the land owned by the Town of Chatham. Fish and Wildlife is not an upland adjacent simultaneous accreted owner. The facts won't support it and neither will the law. As to shell fishing restrictions, we support the Town of Chatham's position, and I will not elaborate on that further, except to note that the plan is bereft of any meaningful scientific support to justify what it says is the need to, quote, protect eelgrass, for example. Now Fish and Wildlife Service may not feel that it has any such burden. But it seems to me that absent some actual studies that would assess the risk of harm, we are talking about speculation. And speculation, I submit, is no basis for regulation.

The shuttle service that is being proposed. We on Morris Island, oppose that, it is a solution for a problem that does not exist. Ah, the problem is not, as Fish and Wildlife would have it, a parking one. There is plenty of parking on the causeway. The problem is traffic congestion on Morris Island. The shuttle buses will only exacerbate that traffic congestion problem. Some facts, from the government's own data, for a \$5 fee, these shuttles will travel three times an hour, ten hours a day. For a \$5 per passenger fee, they estimate they will carry a total of 132 passengers during the day, an average of 2.3 passengers per shuttle. That makes no sense. What it does do is overburden, go beyond any conscious, ah, necessity the easement that Fish and Wildlife thinks it has over Morris Island. That easement is subject to 50,000 visitors every year, and adding the shuttles just makes it impossible for us to maintain our roads. I thank you.

MARCIANNA CAPLIS: Thank you. Mr. Kingman

RUSSELL KINGMAN >>: I first want to start by saying that, uhm, that I would like you to ask your boating captains who go out of Stage Harbor to obey the common law there, which is a no wake zone, five miles an hour, and they are constantly speeding in and out of the harbor.

[APPLAUSE]

But maybe, government employees may not really be subject to any local law. I don't know.

It is suggested in this document that because of a waterway filled in by accretion, that South Beach would be under the jurisdiction of the U.S. Fish and Wildlife. This idea of accretion is something that we need to stop right here in Chatham. I mean, ah, eventually East Orleans could be accreted, and maybe Hyannis, maybe the Kennedy compound, could be managed by you. I don't understand how you can just accrete your way along a beach. Traditional shell fishing, recreational activities have been going on in Monomoy Island and connected and surrounding areas for centuries. To suddenly prohibit that, just sounds fishy to me.

I worked with the United Nations in Italy, with the FAO regarding, ah, world fisheries the small fisheries of the world, and my job was to go through the legal documents and look at the language. Uhm, the rights of use was the issue. Who has the rights of use? And who has the power to suddenly go in and take away those rights of use after centuries? All the indigenous people, I consider myself an indigenous person to Cape Cod, my ancestors came over on the Mayflower and I feel like you are taking away something that, uhm, that you really don't have a right to.

Uhm, there are blatant factual problems in the management plan, ah, where you begin to criticize like the weir fishing, and I'm a weir fishermen; it is the most ecological fishery in the world, so to be pointing fingers at us, I find that to be unintelligent.

Clammers, it is well-known that um, and scientifically proven that the raking process on the flats is actually healthy for the flats, turning them over. – Thank you -- So I think that that needs to be revisited. If those are your reasons for wanting to manage this area, then I don't think that the research is thorough or accurate, and I think that is not just unfair, it is just wrong.

Uhm, finally, there is no reason to make Monomoy Island into Area 52.

[LAUGHTER]

There are no aliens there. We are not aliens. I don't see why this should be cordoned off like that. I'm adamantly against the plan. It is against the will of the people in Chatham. It is legally questionable what you are doing. And I don't feel that it respects the traditional use of our lands. Thank you.

[APPLAUSE]

JAMES BASSETT: Thank you. Jamie Bassett; Chatham. For the record, I would like to formally request that the current management of the U.S. Fish and Wildlife Service, hereafter wildlife service, schedules an additional public hearing on this matter at this location on some date during the first two weeks of this coming August, 2014. Had considerate and competent research been done on Chatham, the current management of the Wildlife Service would have known that a vast majority of Chatham's summer residents who pay 60% of the taxes in our Town, couldn't be here, neither for the two hastily formed open houses that were organized, nor on this date to participate in this important public hearing. In addition to the multitude of scientific inconsistencies and errors in this draft CCP, paid for, by the way, by our hard earned tax dollars, Elizabeth Herland describes Chatham as, quote, "a resort, retirement and artistic community". To correct this it is important to clarify for the Wildlife Service and to read into the public record that Chatham is a New England community settled in 1665 and was originally called Monomoyick, ironically enough. Our community has 349 years of maritime and seafaring history, and we were here stewarding our lands and waters 275 years before the Wildlife Service was even conceived.

The area that is in question played a vital role in Chatham's historical, cultural, and economic blood. As they did for our forefathers centuries ago, and this unfortunately is being callously overlooked by Elizabeth Herland and the Wildlife Service. I'm sorry to say this arrogant approach is fully evident and can be seen on the tapes of Chatham's May 12th Annual Town Meeting during which Elizabeth Herland flatly stated, verbatim, quote, "we consider the 90-day comment period to be sufficient, and do not plan on extending the comment period", unquote. Indeed, the government machine that is preparing to greedily eat us without remorse has forgotten its place, and seems to be completely ignorant that we are important American stakeholders in this part of the world and we have rights. Despite the fact that the Wildlife Service has refused our invitations to engage in productive dialogue on many occasions over the last fifteen years, the citizens of Chatham have been and remain honest and willing participants in all of the conservation goals of the Wildlife Service. We like the birds, all of them. Even the seagulls that were poisoned to death by the Wildlife Service, in a botched, in a botched --

[APPLAUSE]

-- in a botched and excessive management operation that left dead seagulls falling out of the sky eventually rotting in many locations all over town.

Chatham wants to be a constructive partner in conservation, not a bullied victim of extremist and fanatical Wildlife Service management, delivered by bloated and over-reaching government with out-of-control budgets. It is our hope that the Wildlife Service will change course and recognize Chatham's important interests in this matter, so that both the Wildlife Service and Chatham can move forward and find common ground, focusing on a long-term relationship and mutually beneficial sustainability. In conclusion, it would be a miscalculation for both the U.S. Fish and Wildlife Service and for our politicians to underestimate our resolve when it comes to thoughtfully, legally, and politically protecting our rights and traditions established centuries ago. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Miss Phillips?

SUZANNE PHILLIPS: My name is Suzanne Phillips. P-h-i-l-l-i-p-s. I'm a resident of Orleans, Massachusetts. I'm in my 7th year of working for the Town of Chatham. I have two jobs. I'm the Senior

Shorebird Monitor for the town, responsible for the monitors covering North Beach and North Beach Island. I also work for the Shellfish Department. I'm speaking as an individual tonight.

First, Chatham does an excellent job protecting shorebirds as required under the State and Federal Endangered Species Act and U.S. Migratory Bird Treaty Act. We work with scientists from numerous agencies, including the Mass. Division of Fisheries and Wildlife, National Seashore, U.S. Fish and Wildlife piping plover Specialists, and the U.S. Fish and Wildlife Regional Director for Endangered Species, they have been out to the island, to North Beach, seen our work, and they are all very positive about our efforts.

In addition, the Town of Chatham has a financial arrangement with Mass. Audubon to provide shorebird monitoring services at the Nantucket Sound beaches, and this is important, at South Beach. It is my contention that the shorebirds are well protected by the town and there is no need to change the system.

Secondly, Chatham also does an excellent job conserving the local shell fishing resources and promoting sustainable harvesting. Chatham has one of the largest and best up-wellers of any Town on the Cape, we also have about a dozen Deputy Shellfish Constables unlike most Towns which have just the Constable and maybe one assistant. But it isn't only the staff who are involved, the Chatham shellfish community also includes shell fishermen, local families, and visitors. Chatham also has a very active Shellfish Advisory Committee. One example? Last year the Chatham Shellfish Advisory Committee proposed town regulations to protect razor clams. Note that the Massachusetts Division of Marine Fisheries has no regulations about razor clams and most towns don't even mention them in their shellfish regulations.

Thirdly, I would submit that there needs to be more research about the biology of shellfish, especially underutilized species and the effects of changing water quality, ocean acidification, warming seawater, and other environmental factors. I was concerned to read for example the proposed management plan does not provide for harvesting of mussels. Aside from the fact that mussels are considered an inexpensive food source for Cape Codders, there are potential biological reasons why some harvesting should be allowed. I understand it is a major source of food for eiders. Eiders don't have a way to open or break apart the mussel shells, they swallow them whole and the mussels are ground up in their gizzards. They go for the smaller mussels. Chatham has a two inch minimum size limit, so the people go for the larger mussels, but harvesting the mussel also benefits them. They clump together with their byssal threads I don't know what happens when there are too many mussels, I haven't seen studies, but do know that with oysters on the reefs for example down in South Carolina, it is beneficial to the oysters to have them be thinned. Bay scallops, also, do best when they are [not] overcrowded. And I mentioned the environmental. ... I have one sentence left ... It is not enough for U.S. Fish and Wildlife to look at the conservation methods that have worked in the past, it is imperative that we work together to do the research that scientists, some of us to advocate for their funding, to use the information that our shell fishermen and fishermen have gained from so many years out on the water and together to devise ways to confront the challenges that face us. Thank you.

[APPLAUSE]

SHANNON ELDREDGE: Shannon Eldredge, Chatham, Massachusetts. I'm a fishermen and I work alongside my father, my partner, and my uncle. We are the only family who currently holds grants, and operates fish weirs off of Monomoy, two of which are within the sub tidal area in the proposed Declaration of Taking boundary. I would like to refute your entire description of fish weirs in the proposed Management Plan as it is grossly inaccurate. My family and our crew have a combined 200

years of experience and knowledge on fish weirs. Whoever wrote the description of our work and way of life clearly has absolutely no clue, and for that matter when drafting the Management Plan, the U.S. Fish and Wildlife never seriously consulted any local fishers or shell fishers, the people out there every single day, of every year, for decades and generations. We have been cut out of the process completely, and now we are dealing with a land and resource grab on a federal level. And here I thought sustainable food producers were supposed to be heroes.

Chatham is among several towns in Massachusetts that not only allow, but promote the use of fish weirs, as they are the most passive and ecologically sustainable form of fish harvesting in the world. The fish weirs in Nantucket Sound are a 400-year-old unchanged design of nets attached to poles which are temporarily placed in shallow waters during the spring and summer months only. A long fence running perpendicular to the land acts as a perceived barrier for schools of various migrating fish species. As schools approach, their instinct is to swim into deeper water at which end is a literal bowl of a net that reaches to the bottom. The fish swim in, school around and can, and do find their way out, often. When the fish don't leave the trap, we bring our 26-foot boat into the trap, shut it off completely, and hand pull our way from one side to the other, physically herding the small schools into one area of the trap. We scoop the fish into the boat using hand held dip nets. Our weirs are typically used for harvesting squid, scup, black sea bass, mackerel, bluefish, butterfish, bonita, false albacore, herring and Spanish mackerel. All of our fish are used by consumers who are feeding their families in our community and around New England. What we cannot harvest gets put back into the open waters and swims away. We have a symbiotic relationship with fish eating birds. Terns perch atop the poles, to gain a better vantage point for the prey which school along the fence. They hover outside the trap and scoop up small pelagic species to eat. This is nothing new. Fishermen and birds have been coexisting on the water for centuries. We want nothing more than to maintain a healthy ecosystem for all life that depends on the sea. Shore birds, turtles, sharks, marine mammals, and humans! We all rely on this delicate ecosystem, and as traditional fishers we have a huge stake in making sure our resource is managed well. That is why we should have been and should now be at the table every step of the way to help inform the scientific, historical, social, and economic impact of these proposed plans!

[APPLAUSE]

EVERETT ELDREDGE: My name is Everett Eldredge. And my motive -- my motive for being here today is to give you an insight maybe into the people who have a spiritual and sacred connections to Monomoy. This is something I think -- I also have twelve generational ties here, but I think that it is something that you're born with, and I think that it might be a hard thing to understand. I was looking at, you know, some of the research I did over the last couple of days, and it was during the establishment of the National Seashore, they didn't take Chatham, and one of the notes in here says which is definitely one of the most beautiful towns in the entire world. I didn't know that.

[LAUGHTER]

When I was growing up, I didn't even know I had an accent until my father who had to teach school in Pennsylvania for a year, I went there, and I was raped of my accent. I never knew I had one. I wish I had one now. And barely anybody does have one because it is changed, completely changed.

You know, back in the 30's, ah, 20's and 30's, George Forbush who was the state ornithologist, he used to rely on all the guys who used to go duck hunting and whatever to get counts on sea birds, and whatever. The people that are local here, that really have a heartfelt feel for this area, they take care of

what is going on around here. As Shannon said, there is no place I don't think in this whole world that there is better shellfish. We get the greatest flush the whole wide Atlantic.

You know, it is a sad scenario, especially when you look at Monomoy back in the early 60's when, uhm, you know, one of these areas when a lot of these camps were gone, and there was fifteen camps left on one acre, and there was 3,000 acres of Monomoy left. They appealed to the government. It was a no-go. They said absolutely, we are going to bury and burn those camps, and really there was no reason there. But it was a mandate, and, you know, and you are the big guys. I relate to you guys to finding a swimming hole when you were a kid, and go there on Saturday and the big boys are there with their girlfriends, having beers and they are swimming in your swimming hole and you can't go there anymore. It is like "wow, this doesn't sit right." One thing I think would be great, ah, to, ah, to aim towards is, ah, is, you know, looking at the, ah, at some of the estuaries and the harbors, there is no more, ah, small fluke, flounder in, ah, I can't believe I'm talking that fast, like in Stage Harbor. Growing up, you could always find flounder. You can find plenty of cormorants around now. And the seals have taken, there is no more inner fisheries. The government really should take a good look at that. I think for the most part most of all the people who are around here who love this sacred area take great care of it. In another 600 years, Monomoy is gone. They say Cape Cod is gonna be gone in 6,000 years. I mean, you know, it is going to happen no matter what, and, ah, and hopefully, uhm, you guys will put some faces and hearts and souls into any of these decisions that come down the road. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. Number twelve.

JOHN GAREY: John Garey; I'm a Chatham resident, and member of the Shellfish Advisory Committee in Chatham. I would first like to thank the U.S. Fish and Wildlife Service which probably is something that they haven't heard too much about yet. Thank them for allowing intertidal clamming using traditional non-mechanical methods on the tidal flats in Monomoy. Greatly appreciative of that. This is beneficial to those that love to traditionally hand harvest clams as they have done for hundreds of years. This not only benefits the shell fishermen of Chatham, by promoting sustainability, but also the U.S. Fish and Wildlife Service. The shell fishermen working the flats, truly love the birds, and wildlife of the preserve. And act as the proverbial canary in the coal mine, providing a rapid warning to any observed problems on the refuge. I would like to request that the U.S. Fish and Wildlife Service strongly consider delegating the management authority for the subtidal bottom shellfishery to the west of Monomoy, to the Town of Chatham. Chatham has, for the past hundred years, managed this shellfishery along the tidal flats and subtidal waters of Monomoy. This they have done well, making the environment the top priority. Chatham has the shellfish license permitting in place, as well as the regulatory personnel and equipment needed to enforce shellfish regulations throughout Chatham's extensive waters, including Monomoy. Chatham would work closely with the U.S. Fish and Wildlife Service, as we presently do, to ensure that any perceived or documented refuge, tidal, or sub tidal shell fishing concerns were rapidly addressed and satisfactorily resolved. This approach would be mutually beneficial, while promoting cooperation in managing the National Wildlife Refuge shellfisheries. It is clear that Chatham has been a wonderful steward, and therefore should continue their management of the refuge shellfishery. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. Number thirteen? Mr. Dykens?

SELECTMAN DYKENS: Thank you and good evening. I'm Jeff Dykens. I'm a Chatham Selectmen and I've been a full-time resident of West Chatham for 40 years. For twelve of those years I made my living

from the sea. I fished for bay scallops, quahogs, and most notably sea clams in the waters west of Monomoy, during many of those years.

The town has major issues with the Fish and Wildlife proposal. The issue of who owns and governs 717 acres of land that has accreted to South Beach likely will be decided by legal minds much sharper than mine.

Fishing in the sub tidal zone west of Monomoy is the major issue I will address. I believe the Fish and Wildlife Service needs to fully understand how we fish, and needs to modify its plan to loosen the proposed restrictions on access to waters that have been fished by Native Americans and Chathamites for centuries. The fishermen of Chatham have used traditional methods of harvest that respect nature. Our methods do not disrupt or despoil the ecology in any way that tips the environmental scales against the migratory birds. In no manner do the methods of harvest currently proposed for restriction interfere with the flight patterns or overall safety of migratory birds. The sanctity of the wildlife refuge is respected in every method. We use light dredges without teeth to harvest bay scallops. There is little disruption to the eelgrass that is at the end of the life cycle in the fall when we fish for bay scallops. Our fish weirs were developed by Native Americans, and are passive fixed structures that respect our environment. Digging for soft shell clams assists the migratory birds as they forage along the shore line in the holes and the furrows left by our clam diggers. As I fished for sea clams, birds would dive behind my boat and would feed in my tow wake. Hand scratching and long-raking for quahogs tills the bottom and turns it over creating a healthier and more attractive bottom for potential growth of shellfish seed and other marine life. When mussels are harvested by Chatham fishermen, only when they reach two inches in length and are too large to be consumed by birds. Smaller mussels are returned to the sea for potential use by the birds. Again, the dredges are lightweight in design and do not disrupt the environment for the migratory birds.

The take away point is that Chatham fishermen have coexisted successfully with the mission of the wildlife refuge to protect and support migratory birds and the refuge for decades, right up to this very day. I do not believe there is one scientific data point to suggest otherwise. Our fishing methods have been developed to steward the environment. To do otherwise would be to shoot ourselves in the foot. Our local and state regulations are developed to husband these resources without negatively impacting the beautiful and richly productive bio systems that give rise to them. Having successfully coexisted with the refuge for decades, one wonders just what has changed to prompt such Draconian measures and to deny access to our waters after such a long and positive relationship. Is there a clear and present danger to the migrating birds, from those that make productive use of the sub tidal and inter tidal zones? I would argue that it is just the opposite. For those that ply these waters, who do so in a thoughtful, non-disruptive, ecologically sensitive manner. These restrictions on fishing in the sub tidal zone, west of Monomoy, are not needed. The mission, vision, and values of the wildlife refuge are not placed in any jeopardy by continuing to allow Chatham fishermen access to these waters. Please! Revisit your assumptions about how our fishermen go about their business and modify your plan to allow our traditional methods fishing in the waters west of Monomoy. Please! This is not broken, and does not need to be fixed. Thank you very much.

[APPLAUSE]

RICHARD HOSMER: Richard Hosmer. Chatham resident. Monomoy Island has been under the jurisdiction of the Fish and Wildlife Service for many years, and the residents and visitors of this town have always managed to work within the limits that have been set down. We understand and respect postings for bird nesting and other restrictions which has been set by the Fish and Wildlife Service. My concern is with the expansion of jurisdiction into the open waters to the west, as well as annexation of

land known as South Beach, south of the current break. As to the claim of South Beach, I question the logic in determining how this area will be taken by Fish and Wildlife Service. The barrier beach system changes on a regular basis and has for hundreds of years. In my earlier memories the beach ended just south of the lighthouse, nowhere near Monomoy. I would hate to think that if the break fills in Fish and Wildlife Service would now claim up to Chatham Light. Currently the shell fishing and fin fishing are well regulated by the Town of Chatham and the State of Massachusetts. Both jurisdictions have gone above and beyond to make sure that shell fishing and fin fishing are done in ways to preserve and promote the growth of eelgrass and in ways that protect the resource. Where does it end? To put further restrictions on South Beach, the south way, and the waters to the west is totally unnecessary. What is wrong with the status quo?

[APPLAUSE]

MARCIANNA CAPLIS: Thank you.

CLIFF BERNER: Good evening. I'm Cliff Berner. And I'm speaking here tonight on behalf of the Cape Cod Marine Trades Association. The Cape Cod Marine Trades Association represents most of the marinas and boat yards, as well as many other marine related businesses throughout Cape Cod, and the Islands, of Nantucket and Martha's Vineyard. With the help of our legal counsel, the Association has previously submitted a formal and very detailed written comment to the U.S. Fish and Wildlife, stating its opposition and justification for such to the proposed alternatives to the management of the refuge, and respectfully request the U.S. Fish and Wildlife to strongly consider all points outlined in our comment letter. In summary, we strongly believe that the alternatives proposed would be detrimental to boating across the board, whether it is for the recreational beach bather, someone fishing, or an individual harvest shellfish by traditional methods dating back to colonial times. Cape families and visitors have come to this area for decades to enjoy passive recreational activities on the beach such as tossing a Frisbee, playing a game of whiffle ball, or bocce ball, and enjoying a barbecue with the family and their well-behaved dogs.

[LAUGHTER]

The proposal to take such Draconian action to ban these activities, would forever alter the experience that people have come to love and associate with the area. For decades the wildlife and people have co-existed, and recently the wildlife has been thriving, doing the best it has in years, even with this continued mixed use. There has been no substantial scientific documentation provided that proves these activities can't co-exist. To the contrary, there is concrete science that does support that human activity helps birds, especially when they forage on the worms, crabs, and juvenile shellfish that get displaced through clamming using traditional methods. We are also strongly opposed to the refuge boundary expansion to include those portions of South Beach that is land belonging to the Town of Chatham. It remains unclear how the refuge expansion specified from 3,000 acres to the 8,321 referenced in the Draft Plan best serves the mission of the refuge or how it is even authorized under law. Although the coastline may be changing, the boundary designation may not be as automatic as the Draft Plan asserts. In fact, a close reading of the language of the original Declaration of Taking suggests otherwise.

In conclusion, the Cape Cod Marine Trades Association supports the mission of the refuge as originally defined, and believes the refuge as it exists and is managed today is an asset to the area. The vast majority of boaters and those making a living from these waters respect the refuge. As that is what makes this area so special and lucrative. This continued support and respect for any future proposals by those who use this area is an essential component of the refuge success. We strongly urge you to

continue to muster that local support, and respect, by not only listening to these comments tonight, but also by modifying the plan accordingly. With the proper management outreach and education all of these traditional activities can continue, and the wildlife can also thrive. Thank you for your time.

[APPLAUSE]

MARCIANNA CAPLIS: Number sixteen, Mr. Keon?

TED KEON: Good evening, I'm Ted Keon, Chatham's Coastal Resources Director. My comments tonight are on the proposed changes and jurisdictional authorities regarding the use and access to the open waters of Nantucket Sound. To help justify the Fish and Wildlife position that their authority extends out into the open water, the CCP indicates that the Service interpreted the intent of the original legal documents establishing the Monomoy Refuge. This is a very confusing concept to suggest that an assumed intent of a document somehow trumps the actual written word as contained within the document. Nonetheless, consistent with this concept, I would like to offer up other statements of intent and assurances made that should likewise be considered when developing recommendations that will forever limit our traditional fishing rights. The March 3, 1941 document, Development Plan for the Monomoy National Wildlife Refuge, prepared by the Chief of Wildlife Refuges stated, "under our regulations, sports and commercial fishing can be carried on as in the past." An official document titled "statement of U.S. Fish and Wildlife Concerning Monomoy Refuge Controversy" dated May 3, 1945, from the Director of Fish and Wildlife, includes a section entitled "No Interference with Commercial Fishing, followed by the statement. "Any regulations formulated for the refuge will give full consideration to the commercial fisheries so as to avoid so far as possible any interference with this industry." In a letter dated May 5, 1955, Director of Fish and Wildlife wrote a formal letter to the Town stating that, "Commercial fishing, including shell fishing and sport fishing may be permitted in the waters of the Monomoy National Wildlife Refuge." 1967 testimony, Chatham Board of Selectmen, supported the designation of Monomoy Island as a wilderness area, included this clearly stated position, "the Town of Chatham supports the proposal anticipating that the final legislation will contain specific stipulations assuring the Town of the continuance of its rights and authorities related to finny fish, lobsters, and the propagation, cultivation, and harvesting of shellfish."

In summary, the uplands and intertidal flats have always been viewed as areas appropriate for the Service to undertake their appropriate mission of protecting and enhancing the productivity of migrating shorebirds. However, we do not support the efforts of the Service to overreach into areas and activities well outside the historic mission and purpose of the Monomoy Refuge. We recommend that the Service refocus on the traditional and more appropriate mission of managing the uplands and intertidal areas of Monomoy as has been their practice for the past 70 years. In keeping with your own stated approach, please consider the clearly worded intent and assurances previously provided to this community by officials at the highest level of Fish and Wildlife when developing your final recommendations.

Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Number 17. Mr. Taylor.

SELECTMAN TAYLOR: Good evening. My name is Seth Taylor. I'm a member of the Chatham Board of Selectmen; I'm also a member of one of Chatham's founding families. A family that has maintained a continuous presence in Chatham since the 1600s. Given the time constraints imposed on the speakers at this hearing, I would like to frame my presentation in the simplest and most direct of terms. Neither

the Town of Chatham, nor anyone else who considers the draft Comprehensive Conservation Plan objectively, could reasonably suggest, that the U.S. Fish and Wildlife Service does not have the right and the obligation to create such a plan in areas that are subject to the authority of the United States Fish and Wildlife Service.

The real issue separating the town and the U.S. Fish and Wildlife Service is not a matter of who gets to do what, it is a matter of where they get to do it, and that is a matter of law.

The overarching question, therefore, is this: Does the U.S. Fish and Wildlife Service have the legal authority to annex 700-plus acres of South Beach, and does the U.S. Fish and Wildlife Service have jurisdiction to create and impose regulations on areas below the mean-low-watermark?

Subordinate to that question is whether or not either party believes they need to enter into litigation to resolve these issues of law.

I don't think we do. I think there is every reason for us to avoid litigation, and to work together through the development of a comprehensive memorandum of understanding, that will protect and preserve the intrinsic value of Monomoy to wildlife, while at the same time preserving the historic and traditional rights of the citizens who utilize the adjacent resources.

I look forward to working with, not against, the U.S. Fish and Wildlife Service, and resolving any differences that exist between us, and I hope there is a willingness on the part of the U.S. Fish and Wildlife Service to do the same.

Thank you for your time.

[APPLAUSE]

BARRY GRECO: Thank you. Barry Greco. I have been fishing off the waters of Chatham, South Beach and Monomoy and Pleasant Bay my entire life. As a member of the Shellfish Advisory Committee, it is important to state, for the record, that Chatham takes shellfish management very seriously. As a community we work year round to ensure that our shellfish habitat remains healthy, productive, and sustainable in order to create a positive ecosystem that benefits all stakeholders; including wildlife. The Shellfish Advisory Committee holds monthly meetings to discuss the resource, and use all available means, including scientific reports from around the country; as well as empirical observations, hands-on experience, and vital local knowledge to promote long-term sustainability. As an example, we recently, and proactively, considered, refined, and implemented razor clam regulations. Our decisions were based on science. The Town of Chatham, through our shellfish regulations, only allows a diluted saline solution to harvest razor clams and only in the water, we do not permit this method to be used on dry flats, and we do not allow chlorine brine. Shell fishermen play a vital role in the ecosystem. Through our intelligent management established over decades, we can respond to any issue that threatens the resource in a matter of days. We hope that the U.S. Fish and Wildlife will continue to work with us to create a long-term partnership. Thank you for your time.

[APPLAUSE]

MARCIANNA CAPLIS: Number nineteen. Mr. (Inaudible name)?

>>: He is gone.

MARCIANNA CAPLIS: Then Mr. 20, number 20, Mr. Barabe?

WILLIAM BARABE: Hello. My name is William Barabe; and I'm a Chatham resident who has spent many hours and years on the flats of Monomoy and South Beach shell fishing. I would like to express my deep concern with the plan to include South Beach as part of the Monomoy National Wildlife Refuge. No matter how the sand shifts, that land belongs to Chatham. Chatham has always respected the rights of the Fish and Wildlife Service to manage Monomoy. We don't hunt on Monomoy. We don't take horseshoe crabs within the boundaries. When the signs are up we obey them. We stay out of your way when you are observing the tern colonies. We use the tidal flats for shellfishing, and that's it.

A few years ago I even rescued a dog that belonged to a coyote hunter that you hired to kill coyotes on the refuge. He had run off the refuge and all the way north to the flat on South Beach we call The Lagoon where I was quahogging. The dog was tired and thirsty, and I gave him water and a ride back to Monomoy in my skiff to reunite with his master. Both he and his owner were happy. It seems odd that that dog was allowed to trample all over Monomoy hunting wildlife, and we are not.

The point is, Chatham residents have followed the rules and been good neighbors with Fish and Wildlife regarding Monomoy, and now even if -- with our good stewardship, you want to annex South Beach and its 717 acres of beautiful beach, marsh, and tidal flat, and call it Monomoy. This government annexation is an infringement of our rights to work and recreate on our own land. Draw a line where the old bar leading to the ocean, used to be before it filled in and connected Monomoy and South Beach. South Beach will remain South Beach, and Monomoy will remain Monomoy, period! I am against your proposal to eliminate traditional bottom shell fishing rights on the west side of Monomoy in the sub tidal waters, such as sea clamming, musseling, and scalloping. The birds and other wildlife have thrived on Monomoy even as these fishing practices have taken place. What has changed? Is this just a good opportunity for a government agency to gain more control over the people? Where is the proof that these fisheries hurt the birds and wildlife? I am also deeply concerned that you reserve the right at any time to change the rules regarding hand digging of shellfish from the tidal flats. Language needs to be put in place that the people of Chatham will always be able to dig clams and quahogs on the Monomoy flats. This is our right and heritage. We do not want to go out shell fishing one day, and see signs all over the tidal flats that say "keep off."

As to the prohibition of hand carts, used in transportation -- transporting shellfish from the flat to the boat? These carts leave less of a mark on the flat than a footprint. They are pulled backwards by hand. They save energy for the shell fishermen and are especially useful to the husband and wife teams that dig together. This is a rule that makes it harder for the people to go shell fishing, but does nothing to help the birds and wildlife. These flats are underwater fifteen hours a day. Why is the government always so heavy handed? It seems that the old saying "because we said so" is the only reason that Fish and Wildlife needs. Use some discretion and common sense, Please! Please draft a plan that preserves Chatham's heritage. Do what you do on Monomoy and let us do what we do on South Beach. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank You. Number 21. Mr. Westgate

MICHAEL WESTGATE: Michael Westgate. W-e-s-t-g-a-t-e. Ah, I'm speaking tonight as Chair of the town's South Coastal Harbor Management Plan. First, I want to thank the Wildlife Service for taking some steps to working with the Town of Chatham. We have a long way to go. Monomoy Wildlife Refuge, with its 3500 acres, already represents 33% of the land area of the Town of Chatham. This does not include South Beach. The Wildlife Service says their added ownership of 717 acres of South Beach is non-negotiable, our position is the same. Chatham's ownership of South Beach is non-negotiable. We

think it would be a mistake for Chatham and the Wildlife Service to duke it out in court. It would cost millions of dollars in fees on both sides, paid by taxpayers. Instead, we need to concentrate on funding and building a plan for South Beach and its surrounding waters that balances the needs of the birds with the needs of people, for whom this special place is home. There is one ecosystem and it includes us all. We need Chatham's special task force with backup from the town staff, committees, local and outside experts, to propose and negotiate a land use agreement with the Wildlife Service which optimizes the use of South Beach for birds and humans together. What can we do together to benefit all the birds, the plants, including the eel grass, the bay scallops, the clams, the clammers, the fish, and other fishermen? Let us have some bold experiments to teach us and others how to bring back the eel grass, which might bring back the scallops which now thrive on Nantucket. Monomoy's other critical resource is 4,000 acres of water and lands underwater. These have been managed responsibly for ten thousand years by the Wapanoags, and by the Town, and by the State. Chatham is recognized as one of the most committed of all towns for the responsible management of its shellfish. We are spending millions of dollars, Miss Herland, to improve our water quality. For the benefit of who? Not just for us but for the shell fish and other resources on Monomoy, as well as the rest of the town. The Fish and Wildlife Service could never do that. Our Shellfish Constable and Shellfish Advisory Committee operate under the aegis of the Commonwealth but we are stricter than the state. Anytime the Fish and Wildlife Service has expressed a concern about shellfish, the town has acted to address their concerns. Wildlife Service has no experience in the management of shellfish and no budget to hire staff to do so. The federal processes under which they operate do not allow quick responses to the fast changing environment of Monomoy and its surrounding waters. Monomoy will benefit more from its local control continued of shellfish than it would under federal control. With Wildlife Service I say let Chatham continue to manage our shellfish for your benefit, as well as for ours, and all of the waters surrounding this special place.

Finally, we formally request a second public hearing in Chatham in July or early August following the next open house to allow our summer residents to give you their insights. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank You. Number 22, Mr. Duncanson?

DR. DUNCANSON: Good evening. My name is Dr. Robert Duncanson. D-u-n-c-a-n-s-o-n. Director of Health & Environment for the Town of Chatham. A major emphasis of many of the recommendations in the CCP is protection of shorebird habitat, food supplies for foraging birds, and the aquatic habitats that serve to support various food supplies, namely eel grass. The Town of Chatham is acutely aware of importance of eelgrass to multiple aspects of the marine ecosystem. In addition to serving as a nursery ground for many marine species, including those serving as food sources for foraging birds, and those important recreational and commercial species, eelgrass serves an important role in determining the structure of the near shore environment. Chatham shares the importance of protecting eelgrass, although we differ with Fish and Wildlife Service on the means. Reductions in eelgrass in the near shore environment are a result of many factors, the most significant of which are local – in the local area are declines in water quality. Chatham has shown its commitment to protecting and restoring eelgrass resources by a fifteen-plus-year effort to develop a nutrient management plan and the initial investment of in excess \$92 million for infrastructure to address manmade sources of nutrient enrichment to our water resources. Chatham residents have also supported the implementation of recommendations and regulations that place restrictions on development as a means to limit our impact on the environment. Implementation of these water quality restoration efforts, which are rooted in strong, comprehensive science, will provide more substantial benefits to eelgrass than the Fish and Wildlife Service proposals

that are based on fundamental misunderstandings of the supposed impacts local fisheries have on eelgrass. Chatham's water restoration efforts, along with those of many other Cape towns, have the potential to significantly improve conditions for the long-term survival of the eelgrass resources. They benefit not only residents and visitors to the Cape, but also the migratory shorebirds that are at the heart of Fish and Wildlife Service's responsibility. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank You. Number 23. Mr. Pacun?

NORM PACUN: Good evening. My name is Norm Pacun. I'm a resident full time in Chatham, and our family has owned our home in the Old Village for over 50 years. I'm greatly concerned over the Comprehensive Plan the Fish and Wildlife has proposed for Monomoy; and in particular, the 717 acres of Town of Chatham land on South Beach that you are now claiming is part of the refuge and would effectively be owned, managed, regulated, and controlled by the service. I attended your open house at the Community Center and I spoke to you, Miss Herland, and I spoke to you Mr. Brownlie, about how Fish and Wildlife had reached the conclusion it has, that South Beach somehow accreted onto South Monomoy, and that this meant that legal principles of equitable division or equitable apportionment would apply to this shore line and automatically grant you over 700 acres of our land. I referred to your own executive summary in which you say, and I quote, the refuge's eastern boundary depicted on map one is our interpretation, I'm going to repeat that, Is "our interpretation," of equitable apportionment based on the 2012 shoreline? I then asked you if you would provide the town with a copy of the legal opinion of your counsel, which supposedly supports this interpretation, and each of you told me that it was protected by attorney/client privilege and therefore not available to us.

(Scattered laughter.)

I responded, sooner or later, this opinion is going to come out, and it made no sense for you to try to withhold it.

Miss Herland, Mr. Brownlie, both of you well know that this is an extraordinarily complicated area of law. Your own document takes four pages alone to try to explain it. In the interest of transparency, I stated to you then, and I'm going to repeat now, that the town urgently needs to see your lawyer's opinion, so that we can properly evaluate whether we believe it is correct or not. And you told me at that time, if you recall, that you are considering this request. But everything I've heard so far tonight is that nothing has been done. This is not, it should not be, a game. People's lives and livelihoods, and those of their children, and families, depend upon what is finally contained in this plan and whether the 717 acres of South Beach continue to be town property where we can fish, where we can shellfish, picnic, and use our boats peacefully as we have for hundreds of years. So please, please, provide us with this document as soon as possible, and let us see if your counsel's opinion is as accurate as you believe it is. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Number 24. Ms. Homer?

WENDY HOMER: I'm Wendy Homer. And I reside in Chatham. I am a twelfth generation direct descendent of the original wash-a-shores, the Nickersons. I would like to start by formally requesting an additional public hearing prior to August 20th so that the summer residents can have their voices heard. I do not have the time, energy, or the confidence to dissect the entire Comprehensive Plan, but I would like to take a moment to comment on the description of Chatham as a resort, retirement and artistic

community. I've done quite a bit of traveling to various corners of the world in my travels, most people recognize Cape Cod and its affiliation with fresh finfish and shellfish. I find it odd that there is no mention of Chatham's historical connections to fishing and maritime activities in the report. I know of only one resort in town. I'm certainly not retired, and being a commercial shell fishermen I probably never will be, and my artistic abilities leave a lot to be desired. I therefore must rely on my ability to make my way through life doing what I love, in the best office in the world, traditional hand harvesting of shellfish. I must admit, also, that I love the birds and the interactions I have with them on a daily basis. I love to watch them come and eat out of the freshly turned sand within inches of my feet. I love to hear the song of the oystercatcher for the first time in the spring, and when I see a bird I don't recognize on the flats, I come home, I pull out my Shorebird Identification Book to see what it is. My conclusion is that we all share a very deep love of the land in Monomoy and South Beach, we all value the abundance of natural resources provided by this special place, and we all feel the need to maintain it as a pristine, healthy, and rich feeding ground for both humans and wildlife. I feel we have more to gain by working together to effectively manage this area, and we are all being good stewards and keepers of this island. Education on both sides is the key to continued successful coexistence. And I have one request. Every single day I go to Monomoy, and every single day I see five more signs that you put in that have disappeared. Could you please collect your signs? They cost us a lot of money.

[APPLAUSE]

MARCIANNA CAPLIS: Number 25.

BILL GIOKAS: My name is Bill Giokas; I'm a recreational fly fishermen. I could spend the whole night here talking about the famous seal and its impact on the fishery. As recreational fishermen, we bring in a lot of money to the town. We get rooms, we get meals, 20 people from England who spend their hard earned vacations to come over here. This is changing. I've been fishing here under two Directors. In the golden years before the seals, everything was fine, all of a sudden things have changed. Perhaps this is what it is all about. This is from the Endangered Species Act. Ah, I'm not a lawyer so it's like Chapter 1531-1544. "Except in those circumstances determined by the Secretary, critical habitat shall not include the entire geographical area which can be occupied by the threatened or endangered species." Certain towns have plovers, they share it with the overland vehicles. I don't know why you can't do it there.

And another thing, let's talk about money. We have a lighthouse down there that was restored. You guys could make money by having tourists down there. It is a boondoggle. What is going on with that? So there are a lot of questions to be answered. This is a very complex thing. And the thing that bothers me the most is America was built on individuals working hard. You want to put these guys out of business. That is insane. This is America. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Number 26. Mr. Likos?

DAVID LIKOS: Good evening. My name is David Likos. West Chatham. I'm the Chairman of the Chatham's Shellfish Advisory Committee. Our committee works in coordination with the Chatham Shellfish Department, and the Chatham Selectmen to maintain, promote and protect Chatham's wild shellfish resource. The Committee recognizes the importance of the U.S. Fish and Wildlife Service mission to protect migrating and nesting birds, and threatened or endangered wildlife. We also appreciate that our right to shell fish in the intertidal zone of Monomoy, using traditional gear will continue. However, beyond clam hoes and quahog rakes, the Committee has also recognized hand carts

to transport shellfish as an acceptable, essential practice. Historically wheelbarrows were used. Today's hand cart incorporates inflatable tires which effectively distribute the weight without causing harm to the resource. With two flood tides per day, any evidence left by hand cart use, much like footprints, is nonexistent.

The Wilderness Act of 1964 was initially created to protect national forests from logging, mining and drilling interests. And Congress intended to exclude from wilderness areas heavy, load-bearing vehicles that would require roads, rail tracks, docks or other obtrusive infrastructure, or that would have an undue physical or visual impact on the landscape. Congress did not have in mind someone pulling a simple hand cart to transport their shellfish. The Act states that it particularly prohibits motor vehicles, motorized equipment, aircraft and no other form of mechanical transport, without defining what mechanical transport included. In 1966, the U.S. Forest Service provided specific interpretation of the Act, including this definition: "Mechanical transport, as herein used, shall include any contrivance which travels over ground, snow, or water on wheels, tracks, skids or by floatation, and is propelled by a non-living power source." This rule remains in the Code of Federal Regulations at 36 CFR§293.6(a). The use of hand carts would be confined below the mean high water line, not in the upland. They will not have undue physical or visual impact on the landscape. They do not create permanent physical damage to the environment. Their use would not be detrimental to the refuge. We all agree that Monomoy is unique and should be assessed as such. The blanket decision by the U.S. Fish and Wildlife Service to interpret the Wilderness Act verbatim, and not allow hand carts should not apply to Monomoy. Hand carts are essential for the harvest of shellfish and should be continued to be allowed on the refuge below the mean high water mark. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank You, Number 27, Mr. Homer?

BARRY HOMER: Barry Homer. Chatham. I'm a shell fishermen, been a shell fishermen almost my entire life, and still shellfish the waters off South Beach and Monomoy. When shell fishing, I like to watch the birds and other wildlife that are around us. U.S. Fish and Wildlife Service should go back to the dictionary and look up the word "refuge." Place that provides protection. If you are not one of the few species they're protecting, the wildlife is shot or killed, like the poisoning of all of those gulls, the killing of 132 adult coyotes and 57 pups, foxes, skunks, raccoons, black-backs, et cetera. There used to be a big deer population on Monomoy, but I have not seen deer out there for many years. What happened to the deer? And stop killing of the wildlife. U.S. Fish and Wildlife walk all over the nesting birds, scaring the birds off their nests, trampling all over the beach grass into the dunes every day. Why not leave the nesting birds alone? U.S. Fish and Wildlife have done more damage out there by burning acres of beach grass and wildlife habitat.

The taking of 17 -- 717 acres of South Beach that the Town of Chatham has managed right without killing wildlife or burning habitat and has a good success with plovers, terns. And now when Lighthouse Beach connects to North Monomoy? U.S. Fish and Wildlife Service going to take that beach, too so there will be no public access on the south side, east beaches?

The restrictions that U.S. Fish and Wildlife imposes on shell fishing on the low tidals and sub tidal, and seasonal area closing is making a real hardship on shell fishing, and not being able to use wheeled carts, small scallop dredges, prohibiting mussels makes it even harder on shell fisherman. U.S. Fish and Wildlife Service keeps taking more away from the public, but wants to increase its budget and staffing from three to ten full-time, move operations downtown, have shuttle buses. Where is all this money coming from? The taxpayers. More staff means more new boats, trucks, offices, et cetera. U.S. Fish

and Wildlife can't even pick up the signs that keep washing into the water on North Monomoy. If the birds are seasonal, why isn't there -- why is there three full-time staff? Shouldn't the three staff be seasonal, too? U.S. Fish and Wildlife has mismanaged, overspent, and the taking of 717 acres of land from the town, when is enough enough? So let the shell fishermen keep shell fishing and let the public have access to their beaches. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank You. Number 28. Do you need a hand held mike? Is Mr. Chris Davis still here?

Let's move on. Number 29.

RENEE GAGNE: Hello. My name is Renee Gagne; I'm the Shellfish Constable of the Town of Chatham. I want to thank you for the opportunity to state my comments tonight. You will be receiving a, uhm, comprehensive written comments from my office. But tonight I would like to briefly touch upon a few important issues pertaining to the proposals and assertations made within the draft CCP regarding the Town's traditional and historical shell fisheries. First, I would like to reiterate the Town's position that the jurisdictional and managerial oversight of shell fishing activities occurring within the open waters within the area of taking, fall under the authority of both local and state officials. That being said, I want to emphasize tonight the commitment that the Town of Chatham has demonstrated to the stewardship over not only the shell fishing resource, but also the shellfish habitat. The relationship between our environment and shellfish resource is not lost on those of us tasked to manage our shellfish. The Shellfish Department, Shellfish Advisory Committee, and the Board of Selectmen are continually reexamining and amending our regulations which govern our shellfisheries to best ensure the sustainability of our fisheries.

With this in mind, I would like to contest the assertions made within the CCP that some of our harvesting methods are detrimental to either eelgrass or the benthic communities within the open water area. My written comments will review all of the proposed prohibited fisheries such as mussels and salting for razor clams. But for the public record tonight, I would like to use bay scallop fishery as an example.

In the review process, by which the Fish and Wildlife Service uses to determine whether an activity is appropriate, the CCP cited -- cited scientific literature to support their recommendation to prohibit scallop dredging. Three of these papers base the environmental impacts of the fisheries not employed here. Fishing for cockles, using 130-foot boats and suction dredges which actually work like a giant vacuum cleaner in order to harvest cockles. Two of the papers reviewed the impacts by New Bedfordstyle sea scallop dredges. I have brought pictures comparing these fisheries to the traditional bay scallop fisheries employed here since even before the invention of the outboard motor. We also will be submitting scientific literature supporting the town's contention that bay scallop dredging with lightweight gear and without teeth does not adversely impact eelgrass beds. Over and above determination of rightful authority to manage activities within the open water, we want to educate Fish and Wildlife about our traditional harvesting methods for the final document. We want to assure Fish and Wildlife Service that our historical practices do not adversely impact the refuge mission. We want to further assure Fish and Wildlife Service, the Town of Chatham will continue to review its regulations and fisheries to ensure that best management practices are employed. The Town and Fish and Wildlife Service have worked together in the past to address each other's concerns, and we hope to continue our relationship to best serve our environment, our historical fisheries, and the success of the refuge's mission. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. Number 30. Mr. Lang?

JEFF LANG: My name is Jeff Lang. I'm a resident of Harwichport, and I like to recreate on Monomoy flats. My objection is to the taking of any more land than what Monomoy already exists. And it is based upon an incident from last year where our Federal Government was unable to develop a budget, and we politicized the Federal Government's ownership of land. And keeping the land being protected by the Town of Chatham is the only way to keep it open. And I just fear that the next budget impasse in Washington, we will now see police tape for about 22 miles out into the water and onto the land saying you can't enter here because the government's closed down. Don't take our land. Let the City of Chatham manage the shell fishery and island as is. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. Ms. Nickerson?

GINNY NICKERSON: Good evening. Ginny Nickerson. G-i-n-n-y. N-i-c-k-e-r-s-o-n. 12th generation. We do appreciate your extension and that is going to mean a lot to us. Reading 1,000 pages I started on it on a Sunday, and it is mind boggling. So we thank you for that.

I do find it interesting that the Monomoy National Wildlife Refuge finds it acceptable to shoot coyote cubs, poison seagulls with poison bread, which may have also killed many of the deer population, of which finds it necessary to prohibit organized picnics and some forms of shell fishing and fishing. Also I find it interesting that the Federal and State Government are supporting the building of wind turbines in Nantucket Sound, which most likely will kill many of our migrating birds. I believe there must be a compromise so that many Cape Codders can continue their livelihoods in the respectful manner that they have for many generations. Many Chatham residents have used the beaches, which are being slated for the wilderness expansion, annual picnics on South Beach with family and friends will now be prohibited. Many of us who use the beaches, who shellfish, or fish, either recreationally or commercially are extremely respectful of our natural resources. I urge you to please work with the fishermen and women who have generations of knowledge. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank You. Number 32. Mr. Dewitt?

ED DEWITT: Good evening. I'm Ed Dewitt; I'm the Executive Director of the Association to Preserve Cape Cod. APCC is the largest environmental advocacy group on Cape Cod, we represent 5,000 members across the Cape in all 15 towns. Uhm, we will be submitting formal comments on the science and conservation values of plan, but this evening I would like to use my three minutes to talk about process. Uhm, if you look at goal three in the Draft Plan, it reads "communicate and collaborate with local communities, federal and state agencies, and conservation organizations, to promote natural resource conservation and support the goals of the refuge." That hasn't been happening, ah, for three years I think you have been basically absent. For ten years there has not been any meaningful public input into this process. Uhm, by your own sort of goals, you kind of missed that goal, and I think you see this room tonight full of people because of that. And I think the message that people are sending is that you need to be doing exactly what your goals say, is to communicate and collaborate. The idea that the Selectmen get cut off, the elected officials, after three minutes is just mind boggling to me if you are really concerned about having good collaboration and communication with the local community and

here on Cape Cod. It is a little bit ironic Miss Herland you took eleven minutes to make your opening comments.

[APPLAUSE]

Uhm, I think -- I think it is also very telling that, you have a chapter in the plan called, consultation and coordination. It is the shortest chapter in the plan, it is three pages.

Uhm, we have been here before on Cape Cod. We went through this for ten years with the Mass. Military Reservations, where the community and the base just talked at each other, and that is a little bit of what is going on tonight, and I apologize for that myself because I'm doing a little bit of it myself. But when the base and the communities began talking with each other, they came up with a plan. And I think if you talked to both the military, and the civilian communities surrounding the Massachusetts Military Reservation, which is now Joint Base Cape Cod – and next year it will probably be something else, but they came out with a much better plan. The fifteen thousand acres, the northern acres, were protected for water conservation. Everybody was happy with the outcomes, and things are working really well, and I think what you would see right now is the community surrounding the base working to make sure that the base stays there. Where at the beginning of that process, everybody wanted the base out. Thank you very much.

[APPLAUSE]

MARCIANNA CAPLIS: Number 33. Mr. Raye?

JOHN RAYE: John Raye, Chatham. You've heard extensively tonight about the long tradition of fishing, shell fishing, and stewardship of this area, this beautiful, valuable area. Uhm, I think that you would have to agree that the population of Chatham have been wonderful stewards, and that the traditional methods that continue, do not do damage to the land. You've also heard about the economics of this area, and how important it is; both for vacationers, but more importantly for those of us who gain their living from this area. Lastly you've heard about the legal issues, and how perhaps dicey some of them are, and how you know that we are going to end up dealing with those legal issues. I spent most of my life doing research, and I want to say that it is appalling to me that you are looking at this kind of extensive plan; including the 7,017 acre grab with no objective evidence that this is going to improve the life of the migratory waterfowl. One just doesn't do that kind of major change in a community with no clear evidence, evidence of nesting, evidence of hatching, evidence of fledgling, and how those will be improved by the kind of recommendations that you've done. And I -- and I just can't believe that you are going to go forward with this kind of plan with no evidence that this is going to do what your objectives suggest.

And lastly, I think it is a little antithetical that you are now going to allow shooting of waterfowl.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you.

Number 34. Mr. Bergstrom?

RON BERGSTROM: Hi, I'm Ron Bergstrom. Twelve years ago I was Chairman of the Board of Selectmen; and at that point I got a phone call from the then manager of the refuge, I think her name was Howes, and that was the first time that we, in Chatham, were made aware of the fact that this management plan was coming down from the Federal Government. And we were also made aware, at that point, that it may indeed include a ban of all commercial activities within the refuge, and

commercial activities were said to include shell fishing. Now, here we are twelve years later, and I'm happy to see that when the Draft Plan was announced, that any thought of that has been eliminated. And you guys have come a long ways in trying to accommodate some of the uses that we have out there. I don't think anybody is here -- well, I don't want to say anybody, but most of us are not here for confrontation. Most of us are here because we want to demonstrate our concern for this area and show you what an important part of our-- both of our ecosystem and what an important part of our economy this is. If you can't ride your ATV in some wildlife refuge out west, you can go somewhere else. If you can't hunt on the refuge, you can go uh, hunting up in Maine. Shell fishing goes town by town. This is a significant part of the shell fish resources in Chatham, a very significant part. I can't go to Harwich if I get if I get knocked outta [inaudible]. I've been a Chatham shell fishermen for over four decades, and I think we have a good relationship with the U.S. Fish and Wildlife Service. I understand your mission. One of the things that concerns me is the fact that I've been made aware that the Wildlife Service sat down with the Division of Marine Fisheries and you negotiated your various, ah, competing authority, if you want, over the fisheries that take place on the refuge. It is unfortunate that you didn't do that with the Town of Chatham because I think we are an important stakeholder, and I think we are the most important stakeholder in the refuge. But that opportunity still exists, and you only gave the poor Selectmen three minutes, and I'm sure you will hear from them again, you know. I can't overemphasize the fact that we are 80% of where we want to be in this management plan. We have come a long way in twelve years. I'm absolutely convinced that it is within the authority of the Wildlife Service to accommodate us in the other 20%. I don't see any conflict that can't be overcome. I believe that we can --simple things like using hand carts-- simple accommodations for the type of fishing that we make is within your authority. I know you've made concessions to the state. You can make concessions to the Town that are consistent with your mission to protect wildlife and our historic uses of the refuge. So I urge you to sit down with the town leaders and the other interested parties, make those accommodations, and we can move ahead, and this won't come to any kind of conflict. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. Number 35. Mr. Ligenza?

TED LIGENZA: Ted Ligenza. L-i-g-e-n-z-a. I'm a commercial fishermen and part-time shell fisherman for quite some time. Chatham is one of the few places in the country where a good population of shell fisherman, fin fisherman who shellfish part-time, can actually make a living. The loss of access to Monomoy would squeeze us into the shellfish grounds left, and that wouldn't be enough,-- there wouldn't be enough to go around. I'm saying this because you guys could close it down, and you still have that opportunity, which I don't like. The loss of Monomoy would pretty much end Chatham's unique ability to support a large community of full-time shell fisherman and fishermen. As of right now, a young man can move to town, live here for a year, get a shellfish permit, and if he's smart, works hard, he is intelligent, become a part of the community, and shellfish, get a job on a boat and become a fisherman. When you close off Monomoy, that is gone. That's wrong. -Oh Let's see, I'm a little messed up here. -- Uhm, other than this, uhm, the fact is it shouldn't even be a discussion? Because right now Monomoy is in good shape, as far as I'm concerned, and I'm sure you guys are delighted that Monomoy is an absolute gem. It has been that way for the 40 years that I've lived here, and before when I used to come here in the summer, and it is good now, and there has been shell fisherman there all the time. One of the reasons that Monomoy is such a gem is because of the shell fisherman. If you had gone clamming with me all of these years, you would noticed that when the clam flat is productive, it is covered with birds, and when the clam flat is unproductive, it has no birds on it. When you dig steamers or rake quahogs, you turn the bottom over, and that keeps the bottom alive, so that makes it better for the birds. The loss of the shell fisherman to Monomoy might look good to some -- some government

person, but to the birds and the wildlife of Monomoy may not be a good thing. --Ah, Jeez I have to go quick.-- I just want to talk about scalloping, and you guys are in left field with this. Eelgrass has roots, it is not an algae. It dies in the fall and early winter and grows back in the warm weather. We scallop in the late fall and winter, we use light dredges, and that don't disturb the bottom so much to dig up the eelgrass roots. We don't hurt the eelgrass. We are careful not to hurt it. So you guys are in left field with that, and that is scary because you should know that. You shouldn't write this stuff until you know what you are doing.

[LAUGHTER]

Not allowing dollies, that they are a mechanical device is trivial. We wouldn't use hand carts if they were detrimental to the bottom. And it would be -- and it makes it really hard not to have a dolly. Trust me. You should try it, especially when you've got a bad hip.

[LAUGHTER]

MARCIANNA CAPLIS: Thank you. Number 36. Mr. Woods?

JIM WOODS: Jim Woods, Chatham. I won't bore you with the spelling. Being number 36 to speak this evening, most of these guys have already stolen my thunder and taken all my points. But just briefly, uhm, I'd like to go on record as saying that I'm violently opposed to any taking, as well as your 1,000 page report that took fifteen years to develop, which I don't understand. If you worked for any company, you really wouldn't be working with them after the fifteenth year.

[LAUGHTER]

As far as I'm concerned, this is just a stunning example of large government forcing a land grab on the people of this town. There is a couple of points that I know that people have touched on, and one is the economy. I don't think you are really looking at the economy of Cape Cod or Chatham, particularly. Uhm, the Cape, of course as we all know, is, ah, is surviving on fishing, and tourism. Now we can take a look at what our good government has done for the fishing industry, and if you go down the street you'll find out they are pretty much out of business and are going to have to move to the Midwest somewhere.

So what do have we got left? We've got tourism. And now you want to take 700-plus acres of beach and waterfront and recreation away from us? Makes a lot of sense to me. I think that will really excite the people, ah, in the other states to come to Chatham knowing that they have lost 700-plus acres. You want to put additional workers on Monomoy. I've been around here for a couple of years and, ah, and I bet I can't say that I've seen any of you people do anything, ah, over the, ah, years that I've been here. There is lots of boats with radar, GPS, trucks, winches, you mention it, but I don't know what is going on down there.

[LAUGHTER]

We all want to protect the environment and a couple of people have talked about the, ah, the seagulls. And we talked about the coyotes. And, ah, and I think that is a wonderful thing that is going on down there, taking care of them. But how about you guys expending your expertise on the seals? One of the things you have done for us--

[APPLAUSE]

When I was a young man in the late 40's and 50's, there was a bounty on seals, and we never saw too many of them. So now we have 12 or 15,000 of them around here, and someone needs to do

something with them. You know what they have done? They brought the sharks here. And you know what that has done? That's close the beaches. That is another wonderful thing in all the newspapers in Boston and New York, don't come to Chatham because they can't even get into the water.

And I will just end it up very quickly that there is a little known document out there that you probably haven't heard about that starts, ah, "we the people," and, ah, and it goes basically, "of the people, by the people, for the people." It doesn't say "of the birds, by the birds, for the birds."

[APPLAUSE]

I suggest you people take a look around, I think you've heard from the people. I don't think you need to go any further. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank You. Miss Nickerson? Suzanne Nickerson? No?

Number 38. Mr. Hallgren?

JOHN HALLGREN: Hi. John Hallgren. A legal resident of Clearwater Florida, but a part-- basically a seasonal resident of Chatham ever since I was the size of a shellfish seedling. Yeah, I was that small once. Now, you know, when -- I came here tonight because of something obviously important to Chatham where I live seasonally now. And you know you always heard about the George Carlin "Seven Dirty Words," well there eighth other, dirty word, it is the word from the government "we are here to help you." And I think in this case, you know, we don't want your help, sorry. I don't think you are going to help us by taking away access to land that we need and use for our local economoy. Now, if there was potential of oil being drilled out there, or condos being built out there, fine, then maybe you should take it over. But in this case, that is not ever going to happen. And I think we have protected it quite well, because we want to ensure that area for future use for our own economy. So if we are not doing a good job, send us some suggestions, we'll put it in our local laws and we will all be happy.

Yeah, if you really want to help us? Figure out some way of copulation control for the seals. They are obviously getting out of control. That would protect the fish, I think. Now I don't think there is maybe more than the people that are basically from, you know – more than probably a few handful here that are essentially, who think this is a good idea – I think the majority of people in this room think this is a bad idea... Chatham, we are not tree huggers, we are fish and shellfish huggers. We are spending a lot of money on a sewer system to protect, hopefully the eelgrass, so let's wait and see what that does to help first. Thanks.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. Number 39. I'm sorry I can't read your name. Is it Dinge, Mr. Dinge?

TIM DINGE: Hi. My name is Tim Dinge; I'm a Chatham resident. I am -- I hold a residential shellfish permit. I spent last summer volunteering at the Monomoy Visitors Center. I spend a lot of time at Monomoy; I walk my dog there, I shellfish there, I bird watch there, uhm, so when I -- I have not read the full 1,000 pages of documentation, but I did read, and I appreciate whoever put the time and energy into that summary, is awesome. Uhm, but when I was reading it, uhm, you know, my initial reaction was plan A is that, -- where I'm at. And then I had spoken with Dave and he was trying to convince me that Plan B was the way we should go. Of course I was opposed to that because, uhm, I like to walk my dog at Monomoy. Uhm, anyone knows, in Chatham in the summertime, there is only two places that you can go, Morris Island and Strong Island. So I was-- kinda had reservations about that. The one thing I do like

about Plan B, and that I really like, is the educational component. I think that is something that -- our staff is not really capable of doing because, uhm – besides Dave and Kate and Matt, everyone else is a volunteer. So we don't have, we don't huddle. We are a team, but we don't huddle, we don't have group hugs. And to come up with a time, I mean they are all busy. The three staff members, full-time staff members are all busy, so we -- so we would really encourage someone to come in from the outside and, and coordinate that, and I'm sure that everyone on the staff would be so much amenable to -- them using our facility as a classroom. I think that the educational program is going to have to be broken down into three segments, you know, like 0-6, 6-12, 12 on up. I don't think you can accommodate a program without doing diversification like that. But anyway, I just want to say to the staff is, everyone who is there is full open 100%. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. Number 40. Mr. or Ms. Raymond? Ah, No?

Number 41. Mr. Eldredge?

THAD ELDREDGE: Good evening. My name is Thad Eldredge. I am a Registered Land Surveyor from Chatham. While I'm opposed to many aspects of the plan, I'm most perplexed by the boundary decision that results of the taking of South Beach. The Q&A sheet that was on the website states it is based upon Section 5(a) of the Submerged Lands Act. South Beach is comprised of accretions coming from the north, from North Beach and from Nauset Beach. A plan dated September 15, I believe 2000, a part of my copy is cut off prepared for the Department of Interior depicts South Beach, not merged with Monomoy being owned by the Town of Chatham, under the control of the National Parks Service. Rather than looking at the Larusso vs. Accapesket Improvement Association Incorporated case, I would suggest that the authors of the decision look to the 1852 SJC decision 63 Mass. 544, the Trustees of Hopkins Academy versus Lewis Dickinson. The application of this decision supports the boundary that was established by agreement between the Town, the Park Service, and Fish and Wildlife. That boundary should remain where the two landforms merge. Thank you.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. And number 42, Mr. Buckley.

STEPHEN BUCKLEY: Hi. My name is Stephen Buckley. S-t-e-p-h-e-n B-u-c-k-l-e-y. I have had quite a number of years of experience as a federal employee, with experience in writing and evaluating, ah, draft Environmental Impact Statements and assorted documents. And so I am quite aware that in the best sense, when it is done well, when this process works well, it is really a public consultation. It doesn't mean that the public gets to vote on it, but that the public is understood, and it really does resemble, in that sense, a public discussion. A dialogue where each side understands as much as possible the other side's perspective. And so in that, earlier this evening, one of our Selectmen told you we want to partner with you, and not be adversarial. And in that sense I would suggest that you, ah, that you use the Department of Interior, which of course you are part of the Department of Interior, but there is an Office of Collaborative Action and Dispute Resolution that you can take advantage of, and I've posted a link to that office on openchatham.com. Anybody else can go there and find the link. For today, June 17th. And I'll just give one brief example of what their role is; and it says the Office of Collaborative Action and Dispute Resolution serves to improve the efficiency and effectiveness of the department's operations, enhance communication, and strengthen relationships within the department, and with all customers, constituents, and private organizations, businesses, and local government entities and local communities with which the department interacts to accomplish its work. Sounds like they might have a role here. So anyway, I encourage that you contact them and see if they might be

able to help you. The traditional public hearing, three minutes at the microphone is set up of course for us to talk at you and not with you, and I encourage you to look for some other formats that allow more, ah, more back-and-forth, and more collaboration.

The other thing is that, ah, that the, ah, at the Town Meeting, you probably didn't stay for the whole Town Meeting because it ran quite late, but the last article was one where the town passed and adopted an official policy on the core values for the practice of public participation, and I'm not going to read them here, but number six says public participation provides participants with the information they need to participate in a meaningful way. Thus far we have not received all the information we need to participate in a meaningful way. I hope that you take a look at those core values and see if they are also your core values. Thank you very much.

MARCIANNA CAPLIS: Thank you.

I have no other speakers listed. Have I missed anyone?

Is there anyone who wishes to speak who has not signed up? Yes, sir?

JEFFREY HAHNER: My name is Jeffrey Hahner, and I'm a Chatham resident. I think I have -- well first of all, I want to add my voice to those who want another meeting in July or August.

Second thing is that, and this is done with all due respect to our stenographer, if I were hard of hearing tonight, I wouldn't be able to make much sense. I suggest for the next hearing, if you are having a stenographer, you provide her with a glossary of terms. For example, weir fishing is not weird fishing. And there were, -- there were just so many errors technically that I think it would be very difficult for somebody who had to depend upon the visual stimulus.

[APPLAUSE]

MARCIANNA CAPLIS: Thank you. Thank you. Does anyone else wish to speak?

Then, -- I know that there are some copies of the Executive Summary, one of the speakers referred to it, it summarizes this Draft Plan. There are some copies out on the table, where you can also write and submit written, written statements which hold equal weight as oral statements. If they run out there, I understand that you can get them from the refuge. And, uhm, and I would say, stay tuned to hear if there is going to be another hearing, yes?

Thank you very much for your attention.

(Hearing adjourned.)